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3 **UNITED STATES DISTRICT COURT**

4 **EASTERN DISTRICT OF CALIFORNIA**

5
6 **EBER G. RUTH,**

7 **Plaintiff,**

8 **v.**

9 **WARDEN, et al.,**

10 **Defendants.**

Case No. 1:23-cv-00747-ADA-BAM (PC)

**ORDER RESETTING DEADLINE FOR
PLAINTIFF TO FILE OBJECTIONS TO MAY
23, 2023 FINDINGS AND
RECOMMENDATIONS**

TWENTY-ONE (21) DAY DEADLINE

11
12 Plaintiff Eber G. Ruth ("Plaintiff") is a state prisoner proceeding *pro se* in this civil rights
13 action pursuant to 42 U.S.C. § 1983.

14 On May 23, 2023, the Court issued findings and recommendations to deny Plaintiff's
15 motion for leave to proceed *in forma pauperis*, and directed Plaintiff to file any objections within
16 fourteen days. (*Id.*) On June 13, 2023, in lieu of objections, Plaintiff filed a notice of appeal
17 regarding the findings and recommendations. (ECF No. 8.) On June 28, 2023, the Ninth Circuit
18 issued an order dismissing Plaintiff's appeal for lack of jurisdiction, because the May 23, 2023
19 order and findings and recommendations are not final or appealable. (ECF No. 11.)

20 Accordingly, IT IS HEREBY ORDERED that Plaintiff's objections to the Court's May
21 23, 2023 findings and recommendations, (ECF No. 7), are due within **twenty-one (21) days** from
22 the date of service of this order.

23
24 **IT IS SO ORDERED.**

25 Dated: **June 30, 2023**

/s/ Barbara A. McAuliffe
26 UNITED STATES MAGISTRATE JUDGE